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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 SERENA GATEB,
11 Petitioner,
12 vs.
13 JO GENTRY, *et al.*,
14 Respondents.
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Case No. 2:14-cv-00741-JCM-GWF

ORDER

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17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. §
18 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma*
19 *pauperis* was submitted with the petition. When filing a habeas petition, the petitioner must either
20 submit the \$5.00 filing fee or an application to proceed *in forma pauperis*.

21 Due to the lack of an *in forma pauperis* application or filing fee, the present action will be
22 dismissed without prejudice to the filing of a new petition in a new action with a pauper application
23 with all required attachments. It does not appear from the papers presented that a dismissal without
24 prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all
25 times remains responsible for calculating the running of the limitations period as applied to her case
26 and properly commencing a timely-filed habeas corpus action.

27 **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the
28 filing of a new petition in a new action.

IT IS FURTHER ORDERED that the clerk of the court shall send petitioner two copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

IT IS FURTHER ORDERED that petitioner may file a new petition in a new action, but may not file further documents in this action.

IT IS FURTHER ORDERED that the clerk of the court shall enter judgment accordingly.

Dated May 16, 2014.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE